GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2478
ANSWERED ON:03.12.2009
JUDICIAL SYSTEM
Swamygowda Shri N Cheluvaraya Swamy

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Malimath Committee constituted for reforming the criminal justice system has summitted its report to the Government;

(b) if so, the details thereof alongwith the main findings and recommendations of the Committee;

(c) if not, the reasons for delay; and

(d) the steps being taken by the Government to make the judicial system effective and ensure speedier trial in criminal case and improve the conviction rate therein?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (Dr. M. VEERAPPA MOILY)

(a) & (b): The Malimath Committee gave its report in April, 2003. It made 158 recommendations that can be broadly categorized into legislative, administrative, economic and the functioning of courts. Apart from the recommendation for amendment to various provisions of the Code Of Criminal Procedure, 1973, the Indian Penal Code, 1860 and the Indian Evidence Act, 1872, the Committee has suggested change in trial procedure with a view to providing speedy and effective trial of cases; right of a victim to participate in cases involving serious crimes and to adequate compensation; protection of witnesses, arrears eradication schemes, measures to check offences against women, enactment of Central Legislation to deal with crimes of inter-State and/or International/ transnational ramification in List -1 of the Seventh Schedule to the Constitution of India, establishment of Federal Courts for trial of under-world criminals, making more offences compoundable, abolishing the differences between cognizable and non- cognizable offences, reduction of vacations of the Supreme Court and High Courts etc.

(c): Does not arise.

(d): Sections 223 & 228 of Criminal Procedure Code,1973 have been amended through the Code of Criminal Procedure(Amendment) Act, 2005 and Sections 309, 313 and 320 of Criminal Procedure Code have been amended through the Code of Criminal Procedure (Amendment) Act, 2008, which provide for speedy trial of criminal cases thereby improving the conviction rate. The provisions of the Code of Criminal Procedure (Amendment) Act, 2008 are yet to be notified.